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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: KNA DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury

'08 CR 2431 JLS

UNITED STATES OF AMERICA, Plaintiff, v. PAUL MICHAEL PADILLA (1), EMMANUEL BAUTISTA (2), MARLO WILLIAM RINES (3), JOSE RAUL AYALA (4), WILLIAM GOMEZ-GARCIA (5), Defendants.	Criminal Case No. ____________ I N D I C T M E N T Title 21, U.S.C., Secs. 841(a)(1), 841(b)(1) and 846 - Conspiracy to Distribute Heroin; Title 21, U.S.C., Sec. 853 - Criminal Forfeiture

The grand jury charges:

Count 1

Beginning at a date unknown to the grand jury and continuing up to and including July 12, 2008, within the Southern District of California, and elsewhere, defendants PAUL MICHAEL PADILLA, EMMANUEL BAUTISTA, MARLO WILLIAM RINES, JOSE RAUL AYALA and WILLIAM GOMEZ-GARCIA did knowingly and intentionally conspire together and with each other and with other persons known and unknown to the grand jury to distribute 1 kilogram and more of heroin, a Schedule I Controlled Substance; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1) and 846.

DDL:nlv(1):San Diego
7/22/08

FORFEITURE ALLEGATION

Count 1 of this indictment is hereby realleged and by reference is fully incorporated herein to allege forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

1. As a result of the commission of the felony offense alleged in Count 1, a violation punishable by imprisonment for more than one year, and pursuant to Title 21, United States Code, Section 853(a)(1), defendants PAUL MICHAEL PADILLA, EMMANUEL BAUTISTA, MARLO WILLIAM RINES, JOSE RAUL AYALA and WILLIAM GOMEZ-GARCIA shall, upon conviction, forfeit to the United States all their rights, title, and interest in all property constituting, and derived from, any proceeds the defendants obtained, directly or indirectly, as the result of the commission of the violation alleged in Count 1 of this indictment.

2. As a result of the commission of the felony offense alleged in this indictment, said violation being punishable by imprisonment for more than one year and pursuant to Title 21, United States Code, Section 853(a)(2), defendants PAUL MICHAEL PADILLA, EMMANUEL BAUTISTA, MARLO WILLIAM RINES, JOSE RAUL AYALA and WILLIAM GOMEZ-GARCIA shall, upon conviction, forfeit to the United States all their rights, title and interest in any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the violation alleged in Count 1 of this indictment, including but not limited to **$114,000.00 in United States currency**.

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3. If any of the forfeitable property referred to above, as a result of any act or omission of the defendants,

a. cannot be located upon the existence of due diligence;

b. has been transferred or sold to or deposited with a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeited property.

All pursuant to Title 21, United States Code, Section 853.

DATED: July 23, 2008.

A TRUE BILL:

Foreperson

KAREN P. HEWITT
United States Attorney

By:
DAVID D. LESHNER
Assistant U.S. Attorney